

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Ryan McMillan, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

DMS Operating, LLC,

Defendant.

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ORDER

Case No. 1:19-cv-090

On July 8, 2019, Defendant filed a Motion to Dismiss. Doc. No. 15. It also filed a Motion for Summary Judgment or, in the Alternative, to Compel Arbitration. See Doc. No. 17. On August 8, 2019, the parties filed motion to stay consideration of the defendant's motions. See Doc. No. 27. On August 13, 2019, the Court granted the parties' joint motion to stay, denied Defendant's motions without prejudice, and directed the parties to file either Stipulation of Conditional Certification or a status report. See Doc No. 28.

On September 3, 2019, the parties filed a Stipulation of Conditional Certification pursuant to 29 U.S.C. § 216(b). See Doc. No. 29. On September 5, 2019, court adopted parties stipulation along with their jointly developed notice, consent, and opt-in forms and procedures. See Doc. No. 30.

More than a year has since passed. Outside of a motion for counsel to appear on defendant's behalf pro hac vice and plaintiff filing notices of the individuals consenting to join this action, see Doc. Nos. 38-51, there has been little activity in this case. To assess the status of this case and otherwise ascertain how the parties would like to proceed, the court shall require the parties to submit a status report to the court by November 30, 2020.

IT IS SO ORDERED.

Dated this 26th day of October, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court